

## *EXHIBIT 2*

*Response to Defendants' First  
Interrogatories to Plaintiff Roger Palmer*

THE O'MARA LAW FIRM, P.C.  
DAVID C. OMARA  
(Nevada Bar No. 8599)  
311 East Liberty Street  
Reno, NV 89501  
P: (775) 323-1321  
F: (775) 323-4082  
E: [david@omaralaw.net](mailto:david@omaralaw.net)

*Attorneys for Plaintiffs*

THE DIGUISEPPE LAW FIRM, P.C.  
RAYMOND M. DiGUISEPPE\*  
116 N. Howe Street, Suite A  
Southport, NC 28461  
P: 910-713-8804  
E: [law.rmd@gmail.com](mailto:law.rmd@gmail.com)  
\*Admitted Pro Hac Vice

**UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA**

ROGER PALMER; CHAD MOXLEY; and  
FIREARMS POLICY COALITION, INC,

Plaintiffs,

vs.

STEPHEN SISOLAK, Governor of  
Nevada; AARON FORD, Attorney General  
of Nevada; GEORGE TOGLIATTI, Director  
of the Nevada Department of Public Safety;  
MINDY MCKAY, Administrator of the  
Records, Communications, and  
Compliance, Division of the Nevada,  
Department of Public Safety;

Defendants.

Case No.: 3:21-cv-00268-MMD-CSD

**RESPONSE TO DEFENDANTS' FIRST  
INTERROGATORIES TO PLAINTIFF  
ROGER PALMER**

**INTERROGATORY NO. 1:**

Please provide Your understanding of whether it is possible in Nevada to lawfully add a serial number to a self-manufactured unserialized firearm and/or unfinished frame or receiver, and if so, how and under what circumstances.

**ANSWER:** Plaintiff Palmer objects on the basis that this interrogatory is untimely according to the district court's scheduling order that established a "cut-off" date of March 20, 2024, for all fact discovery. Plaintiff Palmer further objects on the ground that this interrogatory calls for a legal conclusion. A layperson opinion about what Nevadans

1 may “lawfully” do is also irrelevant and immaterial because Defendants, who are charged  
2 with enforcing the challenged provisions of AB 286, themselves have taken the position  
3 in their publicly filed documents in this case that, in light of AB 286, the *only* firearms  
4 and constituent parts now legal in Nevada are “*pre-serialized*” firearms and unfinished  
5 frames and receivers—i.e., those *already* “imprinted with a serial number issued by a  
6 firearms importer or manufacturer in accordance with federal law”—absent narrow  
7 exceptions largely unavailable to the average person like Plaintiff Palmer. 9th Cir. Ans.  
8 Brf. at 18-19. Similarly, Defendants themselves characterize the effect of the law at issue  
9 as permitting ordinary, law-abiding Nevadans to self-manufacture firearms only “as long  
10 as they start with a *serialized* receiver.” *Id.* at 18-19, & n. 9 (italics added). Ultimately, as  
11 Defendants themselves have put it, AB 286 simply “bans unserialized firearms, no matter  
12 their provenance,” *id.* at 8, while providing no mechanism for ordinary, law-abiding  
13 citizens Nevadans to comply with background-check and recordkeeping requirements as  
14 a condition to lawfully self-manufacturing a firearm or as a condition to keeping one  
15 lawfully self-manufactured under the prior law, *id.* at 18-19.

16 Without waiving any of the same objections, Plaintiff Palmer responds as follows:  
17 My understanding is that it is not possible for ordinary, law-abiding Nevadans to lawfully  
18 add a serial number to a self-manufactured unserialized firearm and/or unfinished frame  
19 or receiver, and thus I believe there are no circumstances under which such a person may  
20 lawfully do so.

21 **INTERROGATORY NO. 2:**

22 Have You ever attempted to add a serial number to a self-manufactured  
23 unserialized firearm and/or unfinished frame or receiver? If so, please identify when,  
24 where, and how such attempt was made and if such attempt was successful.

25 **ANSWER:** Plaintiff Palmer objects on the basis that this interrogatory is untimely  
26 according to the district court’s scheduling order that established a “cut-off” date of  
27 March 20, 2024, for all fact discovery. Plaintiff Palmer further objects that this  
28 interrogatory is compound. Plaintiff Palmer further objects that this interrogatory seeks

1 information beyond the scope of the information as to which the Ninth Circuit has  
2 remanded the case for purposes of developing a historical and factual record.

3 Without waiving any of the same objections, Plaintiff Palmer responds as follows:  
4 I have made no attempts to personally add a serial number to a self-manufactured  
5 unserialized firearm and/or unfinished frame or receiver and, as stated in response to  
6 Interrogatory No. 1, my understanding is that it is not possible for ordinary, law-abiding  
7 Nevadans to lawfully do so after the enactment of AB 286.

8 **INTERROGATORY NO. 3:**

9 Please provide Your understanding of whether it is possible in Nevada to lawfully  
10 obtain serialized self-manufacturing and/or self-assembly firearm kits, and if so, how and  
11 under what circumstances.

12 **ANSWER:** Plaintiff Palmer objects on the basis that this interrogatory is untimely  
13 according to the district court’s scheduling order that established a “cut-off” date of  
14 March 20, 2024, for all fact discovery. Plaintiff Palmer further objects on the ground that  
15 this interrogatory calls for a legal conclusion. A layperson opinion about what Nevadans  
16 may “lawfully” do is also irrelevant and immaterial because Defendants, who are charged  
17 with enforcing the challenged provisions of AB 286, themselves have taken the position  
18 in their publicly filed documents in this case that, in light of AB 286, the *only* firearms  
19 and constituent parts now legal in Nevada are “*pre-serialized*” firearms and unfinished  
20 frames and receivers—i.e., those *already* “imprinted with a serial number issued by a  
21 firearms importer or manufacturer in accordance with federal law”—absent narrow  
22 exceptions largely unavailable to the average person like Plaintiff Moxley. 9th Cir. Ans.  
23 Brf. at 18-19. Similarly, Defendants themselves characterize the effect of the law at issue  
24 as permitting ordinary, law-abiding Nevadans to self-manufacture firearms only “as long  
25 as they start with a *serialized* receiver.” *Id.* at 18-19, & n. 9 (italics added). Ultimately, as  
26 Defendants themselves have put it, AB 286 simply “bans unserialized firearms, no matter  
27 their provenance,” *id.* at 8, while providing no mechanism for ordinary, law-abiding  
28 citizens Nevadans to comply with background-check and recordkeeping requirements as

1 a condition to lawfully self-manufacturing a firearm or as a condition to keeping one  
2 lawfully self-manufactured under the prior law, *id.* at 18-19.

3 Without waiving any of the same objections, Plaintiff Palmer responds as follows:  
4 My understanding is that it is not possible for ordinary, law-abiding Nevadans to lawfully  
5 obtain serialized self-manufacturing and/or self-assembly firearm kits, and thus I believe  
6 there are no circumstances under which such a person may lawfully do so.

7 **INTERROGATORY NO. 4:**

8 Have You ever attempted to obtain serialized self-manufacturing and/or self-  
9 assembly firearm kits? If so, please identify when, where, and how such attempt was  
10 made and if such attempt was successful.

11 **ANSWER:** Plaintiff Palmer objects on the basis that this interrogatory is untimely  
12 according to the district court's scheduling order that established a "cut-off" date of  
13 March 20, 2024, for all fact discovery. Plaintiff Palmer further objects that this  
14 interrogatory is compound. Plaintiff Palmer further objects that this interrogatory seeks  
15 information beyond the scope of the information as to which the Ninth Circuit has  
16 remanded the case for purposes of developing a historical and factual record.

17 Without waiving any of the same objections, Plaintiff Palmer responds as follows:  
18 About a year ago, when the state court injunction against AB 286 in *Polymer80 v. Sisolak*  
19 was still in effect, I placed an order with Polymer80 to obtain such a kit. However, the  
20 order was never fulfilled, so I did not obtain the kit, and I have not attempted to obtain  
21 any other kits.

22 **INTERROGATORY NO. 5:**

23 Please identify, consistent with the Ninth Circuit Order, the "multiple uncompleted  
24 NFOs [Non-Firearm Objects] and firearm building kits," which You "lawfully acquired  
25 before enactment of" A.B. 286, Complaint, ¶ 83, and state whether You intend to  
26 complete these NFOs and firearm building kits.

27 **ANSWER:** Plaintiff Palmer objects on the basis that this interrogatory is untimely  
28 according to the district court's scheduling order that established a "cut-off" date of

1 March 20, 2024, for all fact discovery. Plaintiff Palmer further objects that this  
 2 interrogatory seeks information beyond the scope of the information as to which the  
 3 Ninth Circuit has remanded the case for purposes of developing a historical and factual  
 4 record. This interrogatory is also objectionable as being compound. Further, the  
 5 Complaint and Plaintiff Palmer's declaration in support of Plaintiffs' Motion for  
 6 Preliminary Injunction (Dkt. No. 6-3) already explain that "[o]ne or more of these  
 7 components would fall within the new definition of and prohibition against unserialized  
 8 'unfinished frames or receivers' under Nevada's Ban," Compl. ¶ 83, that these "NFOs are  
 9 also commonly possessed by law-abiding citizens in the exercise of their right to self-  
 10 manufacture such firearms for self-defense and other lawful purposes," Dkt. No. 6-3 ¶ 10,  
 11 and that Plaintiff Palmer is therefore "mandated to dispossess [him]self of the  
 12 unserialized NFOs" to avoid the risk of criminal sanction, *id.* at ¶ 11, but that he would  
 13 otherwise "continue to own and possess my lawfully self-manufactured unserialized  
 14 firearms and NFOs for self-defense and other lawful purposes, *id.* at ¶ 12, which  
 15 information is adequately responsive to this interrogatory.

16 Without waiving any of the same objections, Plaintiff Palmer responds as follows:  
 17 AR15 blanks, polymer handgun blanks, AR10 blanks, 1911 unfinished receivers, and  
 18 AR15 polymer/plastic lowers, which I lawfully obtained prior to the enactment of AB  
 19 286.

20 **INTERROGATORY NO. 6:**

21 Please identify, consistent with the Ninth Circuit Order, what other "additional  
 22 NFOs commonly used in the self-manufacturing of firearms," Complaint, ¶ 87, You wish  
 23 to acquire.

24 **ANSWER:** Plaintiff Palmer objects on the basis that this interrogatory is untimely  
 25 according to the district court's scheduling order that established a "cut-off" date of  
 26 March 20, 2024, for all fact discovery. Further, the Complaint and Plaintiff Palmer's  
 27 declaration in support of Plaintiffs' Motion for Preliminary Injunction (Dkt. No. 6-3)  
 28 already explain that he "desire[s] to acquire additional NFOs commonly used in the self-

1 manufacturing of firearms for self-defense and other lawful purposes, including those that  
2 fall within the definition of ‘unfinished frames or receivers’ under Nevada’s Ban.”  
3 Compl. ¶ 87; Dkt. No. ¶ 13. Because Defendants are charged with the responsibility of  
4 enforcing the law at issue, Defendants are necessarily charged with the knowledge and  
5 understanding of the NFOs that fall within the definition of “unfinished frames or  
6 receivers” under Nevada’s Ban, such that they have superior, or at least equal, knowledge  
7 of and access to the information sought through this interrogatory.

8 Without waiving any of the same objections, Plaintiff Palmer responds as follows:  
9 There are numerous other types of firearms where receivers can now be manufactured at  
10 home using equipment that was cost-prohibitive prior to the improvement in technology.  
11 The ability to mold plastic and alter designs to accommodate a person’s personal size,  
12 weight, and ability has created an opportunity to produce a weapon that fits a specific  
13 person and no longer requires extensive and high cost moldings to complete. It also  
14 allows for the replacement of firearms that are no longer manufactured, where the item  
15 needs replacement due to damage, wear, or poor design. I wish to acquire such products  
16 for self-defense and other lawful purposes.

17 **INTERROGATORY NO. 7:**

18 Please identify, consistent with the Ninth Circuit Order, all other “kind of self-  
19 manufacturing” You wish to engage in.

20 **ANSWER:** Plaintiff Palmer objects on the basis that this interrogatory is untimely  
21 according to the district court’s scheduling order that established a “cut-off” date of  
22 March 20, 2024, for all fact discovery. Plaintiff Palmer furthers object on the basis that  
23 this interrogatory has been asked and answered, because the Complaint, Plaintiff  
24 Palmer’s declaration in support of Plaintiffs’ Motion for Preliminary Injunction, and the  
25 answers to the above interrogatories already make clear so as to be adequately responsive  
26 to this interrogatory that Plaintiff Palmer wishes to retain the liberty to self-manufacture  
27 any and all firearms that he is prohibited from self-manufacturing under AB 286.  
28

1 Without waiving any of the same objections, Plaintiff Palmer responds as follows:  
2 It is not about a cost saving measure or concerns about a firearm being tracked. The  
3 opportunity to make something and it to be yours is what matters. Teaching others how to  
4 build, assemble, troubleshoot, and operate a firearm for lawful purposes cannot be  
5 compared to going and buying a pre-made weapon. Self-manufacturing allows a person  
6 to custom make a firearm and allows that person to also fully understand how it  
7 functions, thus making that person more knowledgeable about what they possess and how  
8 to safely operate it for lawful purposes.

9 DATED this 15th day of May, 2024

10  
11 /s/ David C. O'Mara

12 David C. O'Mara, Esq. (Bar No. 8599)  
13 Raymond M. DiGuiseppe, Esq.

14 *Attorneys for Plaintiffs*  
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